

Mine Safety and Health Admin., Labor

§ 70.510

have not changed substantially during the preceding 6-month period.

(Sec. 101, Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811); sec. 301, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1317 (30 U.S.C. 961), Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[36 FR 12739, July 7, 1971, as amended at 43 FR 40762, Sept. 12, 1978; 44 FR 52827, Sept. 11, 1979; 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

§ 70.509 Supplemental noise exposure survey; reports and certification.

(a) Where the certified results of an initial noise exposure survey conducted in accordance with § 70.507, or a periodic noise exposure survey conducted in accordance with § 70.508, show that any miner in the active workings of the mine is exposed to a noise level in excess of the permissible noise level prescribed in Table I, the operator shall conduct a supplemental noise exposure survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Mine Safety and Health Administration to conduct such survey.

(b) Supplemental noise exposure surveys shall be conducted by taking noise exposure measurements in accordance with § 70.506, however, noise exposure measurements shall be taken during the entire period of each individual operation to which the miner under consideration is actually exposed during his normal work shift.

(c) Each operator shall report and certify the results of each supplemental noise level survey conducted in accordance with this section to the Mine Safety and Health Administration and the Department of Health and Human Services using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise exposure surveys shall, upon completion, be mailed to:

Division of Automatic Data Processing, Mine Safety and Health Administration, Building 53, Denver Federal Center, Colo. 80225.

(Sec. 101, Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811); sec. 301, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1317 (30 U.S.C. 961); Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

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§ 70.510 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 70.509 show that any miner in the active workings of the mine is exposed to noise levels which exceed the permissible noise levels prescribed in Table I, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a Notice of Violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute promptly administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of any Notice of Violation of this subpart, submit for approval to a joint Mine Safety and Health Administration-Health and Human Services committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preemployment and periodic audiograms.

(3) Plans required under paragraph (b) (2) of this section shall be submitted to:

Administrator, Coal Mine Health and Safety,
Mine Safety and Health Administration,